

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF CYNTHIA) APPEAL NO. 07-A-2296
MENDOZA AND JOHN GRAY from the decision of) FINAL DECISION
the Board of Equalization of Ada County for tax year) AND ORDER
2007.)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing December 5, 2007, in Boise, Idaho before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellants Cynthia Mendoza and John Gray appeared. Chief Deputy Assessor Tim Tallman and Appraiser Alan Smith appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization (BOE) modifying the protest of the valuation for taxing purposes of property described as Parcel No. S0407223550.

The issue on appeal is the market value of a residential property, specifically the value attributable to the land.

The decision of the Ada County Board of Equalization is modified.

FINDINGS OF FACT

The assessed land value is \$136,000, and the improvements' valuation is \$29,800, totaling \$165,800. At hearing Appellant requested the land value be reduced to \$80,000, and the improvements' value be left at \$29,800, totaling \$109,800.

The subject property is a single family residence located on .93 acres in Star, Idaho. Only the land value is being disputed.

Taxpayers claimed subject is not assessed comparably with other properties, and maintained subject assessment is excessive.

Appellants submitted a spreadsheet with assessed land values of four properties in the

immediate area of subject. All four properties were located within one-half mile of each other. It was argued that severe inequities exist in the assessed values between properties.

Taxpayers submitted copies of county records for several properties on the same street as subject. Appellant described the properties and locations in comparison to subject. Land size ranged between one and two acres while assessed land values ranged between \$29,702 and \$118,000 per acre.

Property Location	Acreage	2006 Assessment	2007 Assessment	Assessed per acre 2007
Subject 1224 N. Can-Ada	.928	\$52,000	\$136,000	\$146,551
1150 N. Can-Ada (Immediately adjacent to subject, shares same fence line)	1.71	\$61,600	\$51,000	\$29,702
1078 N. Can-Ada (One-half block south of subject)	1.14	\$66,000	\$135,000	\$118,000
1598 N. Can-Ada (1/4 mile from subject)	1.67	--	\$150,000	\$89,820
1752 N. Can-Ada	1	\$84,500	\$117,000	\$117,000

Appellant stated the surrounding properties have full access to city water, sewer and gas. Subject does not. Appellant submitted an aerial photograph to demonstrate that subject shares an access road to Can-Ada Road but does not have direct access like the surrounding properties.

Taxpayers disputed the sales presented by the County because they were not like properties. It was argued that the sales were located in the City and one property was zoned for commercial use.

Respondent recognized there were errors in the computerized assessment system and that unfortunately some property assessments fell through the cracks. The assessments had

since been corrected for 2008. Respondent quoted “escape of like property from proper/perfect assessment is not grounds for reduction.”

The County presented three comparable sales, the sales were located between .75 miles and 1.2 miles from subject. Sale prices ranged between \$150,000 and \$214,400. Subject is assessed at \$165,800.

The County’s Sales Comparison Grid illustrated adjustments made to the comparable sales for differences in total square footage, number of bathrooms, air conditioning, deck/patio/porch, size of garage, and total lot size in order to arrive at an indicated value for subject. The adjusted sale price per square foot ranged between \$168 and \$231. Subject’s total assessed value is \$181 per square foot.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Respondent submitted three 2006 sales and large adjustments were made to them in order to make them more comparable to subject. No land sales were submitted for the Board to review.

Appellant contended that Respondent’s sales were too dissimilar for use in determining subject’s value.

Respondent defended the sales by noting the properties were similar in size and age to subject.

While Respondent did provide sales, it was not clear how comparable they were to

subject. It was demonstrated the location of the comparable sales was greatly different than subject's rural location. It was also noted that one of the sales involved property that was zoned for commercial use.

From the record it appears Respondent considered size and age of the sale properties when comparing them to subject, however no adjustments were made to account for any difference in location.

Appellant presented information to show the assessed values of surrounding property was vastly different.

Although assessed values are not a good indicator of market value, the assessment of property is required to be equitable. "The requirement that all property be assessed at its actual cash value is secondary to the constitutional mandate of equality of taxation. Where certain property is assessed at a higher valuation than all other property, the court will enforce the requirement of uniformity by a reduction of the taxes on the property assessed at the higher valuation, if it be shown that the difference is the result not of mere error in judgment, but of fraud or of intentional and systematic discrimination." Washington County v. First Nat'l Bank, 35 Idaho 438, 444, 206 P. 1054, 1056 (1922).

In this case, the Board was persuaded some inequity in assessed values exists. Therefore the Board will modify subject assessed land value to \$108,576, and the improvements assessed value will remain at \$29,800, for a total assessed value of \$138,376.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, modified lowering the assessed land value to \$108,576 and leaving the improvements' valuation

at \$29,800, for a total of \$138,376.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED February 25, 2008